

RESOLUTION 8 - 2022
ACT 6 - 2022

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to adopt a new 'Multi-Jurisdictional, Multi-Hazard Mitigation Plan' for the County, which is known as the Westchester County Hazard Mitigation Plan, (the "New Plan") with annexed plans for participating municipalities. Your Committee has been advised that a complete copy of the New Plan is on file and available for inspection in the office of the Clerk of your Honorable Board.

Your Committee has been advised that, in accordance with regulations of the Federal Emergency Management Agency ("FEMA") in 44 C.F.R. §201.6(a)(1), a "local government must have a mitigation plan approved...in order to receive [Hazard Mitigation Grant Program] project grants" and "in order to apply for and receive mitigation project grants under all other mitigation grant programs."

Your Committee has been advised that your Honorable Board authorized the County to adopt the existing 'Multi-Jurisdictional, Multi-Hazard Mitigation Plan' (the "Existing Plan") in 2016, by Act 2016-208.

However, your Committee has been advised that FEMA requires that such plans be maintained on a five-year cycle, as 44 C.F.R. §201.6(d)(3) specifies that a "local jurisdiction must review and revise its plan to reflect changes in development, progress in local mitigation

efforts, and changes in priorities, and resubmit it for approval within 5 years in order to continue to be eligible for mitigation project grant funding.”

Your Committee has been advised that, therefore, the County issued a request for proposals for consulting services regarding the development and preparation of an update to the Existing Plan. Your Committee has been advised that this competitive procurement resulted in the County contracting with Tetra Tech, Inc. (the “Consultant”), which has the necessary expertise in this area.

Your Committee has been advised that the County, the Consultant, and the participating municipalities prepared and updated county-wide provisions as well as municipality-specific plans, which are in “annexes” that are attached to the New Plan, for those municipalities that desired to participate in the plan process. Your Committee has been advised that, during the course of the work on the New Plan, the County, local leaders, and the community worked in tandem to identify risks, assess capabilities, and formulate a strategy to reduce disaster vulnerability.

Your Committee has been advised that the New Plan that was finalized and is being presented to your Honorable Board is a revised version of the Existing Plan, with modifications made in light of changes and updates that have become necessary over the past approximately five years. Your Committee has been advised that your Honorable Board is only being asked to approve of the New Plan, consisting of the county-wide provisions and the County’s own specific annex. Your Committee has been advised that all other municipality-specific annexes

will be subject to review and approval by each such municipality's own governing body.

Your Committee has been advised that all jurisdictions within Westchester County have exposure to natural, technological, and human-caused hazards that increase the risk to life, property, environment, and the county and local economy. Your Committee has been advised that proactive mitigation planning for known hazards before a disaster event occurs can reduce or eliminate long-term risks. Your Committee has been advised that the purpose of the New Plan is to demonstrate commitment to reducing risks from multiple hazards, and to serve as a guide for decision-makers as they commit resources to reduce the effects of natural, technological, and human-caused hazards. Your Committee has been advised that the New Plan can also serve as the basis for New York State and the Federal government to provide technical assistance and prioritize project funding. Your Committee has been advised that, in addition, the New Plan will ensure that the County remains on the five-year cycle required by FEMA, and will consequently enable the County, and its participating municipalities that have approved of their own annexes, to remain eligible for certain grants, as noted above.

Your Committee has been advised that the New Plan is compliant with the applicable requirements of 42 U.S.C. §5121 et seq., 44 C.F.R. Part 201, and other applicable New York State and Federal requirements, as determined by FEMA and the New York State Division of Homeland Security and Emergency Services ("NYSDHSES"), which include, but are not necessarily limited to, FEMA's "Local Mitigation Plan Review Guide" and "Local Mitigation Planning Handbook" and NYSDHSES's "Hazard Mitigation Planning Standards" guide.

Your Committee has been advised the New Plan has been approved by NYSDHSES and forwarded to FEMA with a request that FEMA approve of it, pending adoption of the New Plan by your Honorable Board.

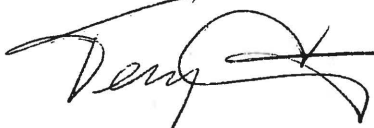
Your Committee has been advised that the Planning Department has advised that, based on its review, the proposed action would constitute an “Unlisted action” under 6 NYCRR Part 617, which are the implementing regulations for Article 8 of the Environmental Conservation Law, commonly known as the State Environmental Quality Review Act (“SEQRA”). Your Committee has been advised that, accordingly, the Planning Department has prepared the attached Short Environmental Assessment Form to assist your Honorable Board in making the required determination of significance. As you know, your Honorable Board may utilize the professional advice and assistance of the Planning Department in making your required determination of significance. Your Committee has been advised that, should your Honorable Board conclude that the proposed action will not have any significant adverse impact on the environment, it must adopt the attached resolution (the “Resolution”) issuing a “Negative Declaration” prior to adopting the attached proposed Act.

Your Committee has been advised that the adoption of the proposed Resolution and Act requires an affirmative vote of a majority of the members of your Honorable Board.


After due consideration, your Committee recommends adoption of the proposed Resolution and Act.

Dated: February 1ST, 2022

White Plains, New York

Admitted By

Murray/Bauer

Admitted by
Murray/Bauer

Admitted by
Lewell-Zble-Soligo

Murray/Bauer

COMMITTEE ON

C:BDM-011122

Public Safety

Public Works
&
Transportation




Environment,
Energy &
climate

Dated: February 1st, 2022
White Plains, New York

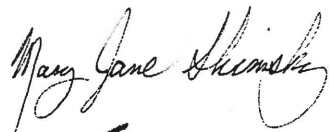

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Public Safety


Margaret A. Cunzio



Public Works & Transportation



Catherine F. Parker

Environment, Energy & Climate

Catherine F. Parker

FISCAL IMPACT STATEMENT

SUBJECT: Hazard Mitigation Plan

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount 0

Describe: The adoption by the Westchester County Board of Legislators (BOL) of a countywide hazard mitigation plan. The adoption by the BOL only adopts the plan body, related appendices and the annex for the County of Westchester properties, facilities and assets.

Potential Related Operating Budget Revenues: Annual Amount 0

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: 0

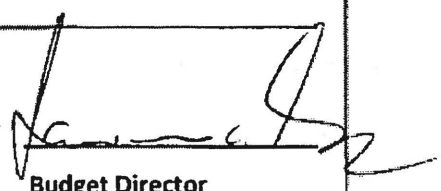
Next Four Years: 0

Prepared by: Linda Luddy

Title: Program Specialist-Grants

Department: Emergency Services

Date: January 10, 2022

Reviewed By: 
Budget Director

Date: 1/11/2022

RESOLUTION NO. 8 - 2022

WHEREAS, there is pending before this Honorable Board an Act to authorize the County of Westchester (the “County”) to adopt a ‘Multi-Jurisdictional, Multi-Hazard Mitigation Plan” for the County, which is known as the Westchester County Hazard Mitigation Plan (the “New Plan”); and

WHEREAS, this Honorable Board has determined that the proposed action would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the proposed action falls within the definition of an “Unlisted action” under 6 NYCRR Part 617, which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County has conducted an uncoordinated review as permitted for an “Unlisted action” under 6 NYCRR 617.6(b)(4); and

WHEREAS, in accordance with SEQRA and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in 6

NYCRR §617.7 and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact upon the environment.

NOW, THEREFORE, be it resolved by the County Board of the County of Westchester as follows:

RESOLVED, that based upon this Honorable Board's review of the Short Environmental Assessment Form and for the reasons set forth therein, this Honorable Board finds that there will be no significant adverse impact on the environment from the proposed action; and be it further

RESOLVED, that the Clerk of the Board of Legislators is authorized and directed to sign the "Determination of Significance" in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the "Responsible Officer in Lead Agency"; to issue this "Negative Declaration" on behalf of this Honorable Board, in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to facilitate it being filed, published, and made available as required by 6 NYCRR Part 617; and be it further

RESOLVED, that the Resolution shall take effect immediately.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Westchester County Board of Legislators							
Name of Action or Project: Westchester County Hazard Mitigation Plan							
Project Location (describe, and attach a location map): County of Westchester (countywide)							
Brief Description of Proposed Action: The adoption by the Westchester County Board of Legislators (BOL) of a countywide hazard mitigation plan. The plan includes a body including general information, descriptions of hazards evaluated and related appendices. The plan also includes individual annexes with specific descriptions and mitigation strategies for each of the 44 participating municipalities. The adoption by the BOL only adopts the plan body, related appendices and the annex for the County of Westchester, which includes its properties, facilities and assets. Each participating municipality will similarly adopt the plan and associated annex for that municipality. While the plan includes specific mitigation strategies and projects, it does not commit the County to implementation. Environmental review will be conducted at the appropriate time for each individual project pursuant to SEQR and all other applicable regulations.							
Name of Applicant or Sponsor: Westchester County c/o David Kvinge, Director of Environmental Planning		Telephone: (914) 995-2089 E-Mail: dsk2@westchestergov.com					
Address: Room 432, 148 Martine Avenue							
City/PO: White Plains	State: NY	Zip Code: 10601					
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: David Kvinge, Director of Environmental Planning</p>		<p>Date: January 10, 2022</p>
<p>Signature: <u>David Kvinge</u></p>		

Project: Westchester Hazard Mitigation Plan

Date: January 10, 2022

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Westchester Hazard Mitigation Plan

Date: January 10, 2022

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The action is the adoption by the Westchester County Board of Legislators (BOL) of a countywide hazard mitigation plan. The plan includes a body including general information, descriptions of hazards evaluated and related appendices. The plan also includes individual annexes with specific descriptions and mitigation strategies for each of the 44 participating municipalities. The adoption by the BOL only adopts the plan body, related appendices and the annex for the County of Westchester, which includes its properties, facilities and assets. Each participating municipality will similarly adopt the plan and associated annex for that municipality. While the plan includes specific mitigation strategies and projects, it does not commit the County to implementation. Environmental review will be conducted at the appropriate time for each individual project pursuant to SEQR and all other applicable regulations.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Westchester County Board of Legislators

 Name of Lead Agency
 Malika Vanderberg

2/8/2022

 Date
 Clerk of the Board of Legislators

Print or Type Name of Responsible Officer in Lead Agency

 Signature of Responsible Officer in Lead Agency

Title of Responsible Officer

 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ACT NO. 2022 - 6

AN ACT authorizing the County of Westchester to adopt a new multi-jurisdictional, multi-hazard mitigation plan known as the Westchester County Hazard Mitigation Plan.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester (the “County”) hereby adopts the multi-jurisdictional, multi-hazard mitigation plan known as the Westchester County Hazard Mitigation Plan (the “New Plan”), a complete copy of which is on file and available for inspection in the office of the Clerk of the County Board of Legislators, and resolves to execute the actions identified in the New Plan that pertain to the County.

§2. The County will use the adopted New Plan to guide pre- and post-disaster mitigation of the hazards identified.

§3. The County will coordinate the strategies identified in the New Plan with other planning programs and mechanisms under the County’s authority.

§4. The County will continue its support of the Mitigation Planning Committee as described within the New Plan.

§5. The County will help to promote and support the mitigation successes of all participants in this New Plan.

§6. The County will incorporate mitigation planning as an integral component of government and partner operations.

§7. The County will provide an update of the New Plan no less than every five years.

§8. The County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§9. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Resolution No. 8 - 2022, and Act No. 6 - 2022, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Resolution, and Act which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on February 7, 2022, and approved by the County Executive on February 9, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 11th day of February, 2022.

Malik Van

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

